

REMARKS

The Examiner has required restriction under 35 U.S.C. § 121 between claims 1-10 drawn to a system for obtaining a rebate classified in class 700, subclass 90+ and claims 11, 12, 14, 15, and 17-21 drawn to a method of tax preparation classified in class 705, subclass 31. It is the Examiner's position that the inventions are distinct because it can be shown that 1) the process as claimed can be practiced by another materially different apparatus or by hand, or 2) the apparatus as claimed can be used to practice another and materially different process.

Applicant respectfully traverses the restriction. It is respectfully submitted that the claims are directed to an income tax refund system and method through which a taxpayer may obtain a refund in the form of a spending vehicle. Examination of all of the claims is not a serious burden on the patent examiner because an important aspect of the claims is the income tax refund. This aspect of the claims limits the scope of the search that is required. In response to the restriction requirement, Applicants hereby provisionally elects the Invention II covered by Claims 11, 12, 14, 15, and 17-21, inclusive, for examination. Applicants' election is made without prejudice.

Applicant respectfully requests that the Examiner reconsider the restriction requirement and issue an action on the merits of all of the claims.

Respectfully submitted,

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